



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/523,600

09/26/2005

Adolf-Gustav Zajber

HM-614PCT

5833

40570

7590

08/29/2007

FRIEDRICH KUEFFNER

317 MADISON AVENUE, SUITE 910

NEW YORK, NY 10017

EXAMINER

KERNS, KEVIN P

ART UNIT

PAPER NUMBER

1725

MAIL DATE

DELIVERY MODE

08/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,600	Applicant(s) ZAJBER ET AL.
	Examiner Kevin P. Kerns	Art Unit 1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Weyer et al (US 6,386,268).

As to claim 1, Weyer et al disclose the method for adjusting the roller segments comprising the steps of adjusting rollers (3) relative to each other by both position control and pressure control. The rollers (3) are adjusted from position control to pressure control when the hydraulic pressure in the piston-cylinder unit reaches a predetermined value (abstract). As to claims 2 and 4, the driven rollers (the last roller of the set of rollers 3) are arranged on the segment exit side and include a switching operation. As to claim 3, a containment roll stand is arranged after the bending-straightening unit, having hydraulics piston-cylinder assembly with position and pressure controlled devices (figures). As to claim 6, the control systems are capable of calculating the adjustment of the hydraulics and automatically control the hydraulics. As to claims 7 and 8, the control systems are capable of controlling the hydraulics by calculating roll spring compensation, min/maximum force regulator, positioning, torque, and speed. As to claim 9, Weyer et al teaches both pressure and position sensors (figures).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer et al (US 6,386,268).

Weyer et al fail to teach the drive motor for a driven motor is arranged, together with a transfer case, on one side of the segment frame with a vertical drive shaft orientation. However, it would have been obvious to one of ordinary skill in the art to arrange the drive motor together with the transfer case on one side of the frame, since this would depend on the design expediency. As to claim 10, Weyer et al fail to teach

Art Unit: 1725

the drive motor for the driven motor communicates with the basic automation system. However, it would have been obvious to connect the drive motor to the automation system, since the entire device is driven automatically.

Response to Arguments

6. The examiner acknowledges the applicants' amendment received by the USPTO on June 15, 2007. The amendments to claims 1 and 2 overcome the prior 35 USC 112, 2nd paragraph rejections. Claims 1-10 remain under consideration in the application.

7. Applicants' arguments filed June 15, 2007 have been fully considered but they are not persuasive.

With regard to the applicants' remarks/arguments on page 5 of the amendment, the applicants major arguments are that Weyer et al. allegedly do not disclose and/or suggest "installing the roller segments in the cold bar zone, the hot bar zone, and/or the soft reduction zone and operating the roller segments by an automatic segment control system and a basic automation system so that the method is applied to roller segments of continuous bloom and billet casting machines". The examiner respectfully disagrees with these arguments. First, the method and continuous casting device of Weyer et al. are used for adjusting an installation roll segment for use in billet casting, and the automatic segment control system and basic automation system are disclosed in the form of a combination of hydraulic cylinder units (8,11) assigned with pressure sensors (12,13) and locators 14, in which their output signals are transmitted to a computer unit

Art Unit: 1725

15 (see column 2, lines 34-62; and Figures 1 and 2). Second, the supporting zone 4 is a cold bar zone that contains solidified billet 5, and independent claim 1 only broadly recites “the cold bar zone, the hot bar zone, and/or the soft reduction zone”. In other words, only one of the three zones is required to read on the claim, due to the broadly inclusive term “and/or”. As a result, claims 1-10 remain rejected.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571) 272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

Art Unit: 1725

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jonathan Johnson can be reached on (571) 272-1177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin P. Kerns *Kevin Kerns 8/23/07*
Primary Examiner
Art Unit 1725

KPK
kpk

August 23, 2007